

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,)	CR 07-20-BU-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JESSE DYKSTRA,)	
)	
Defendant.)	
)	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 11, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

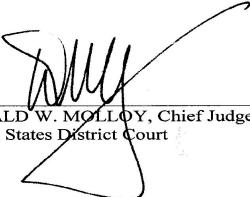
Judge Lynch recommended this Court accept Dykstra's guilty

plea after Dykstra appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to the charge of conspiracy to possess cocaine with intent to distribute, in violation of 21 U.S.C. § 846, as set forth in Count I of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #83) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant Dykstra's motion to change plea is GRANTED. Counts II and III of the Indictment against Dykstra are DISMISSED.

DATED this 25th day of September, 2007.


DONALD W. MOLLOY, Chief Judge
United States District Court